

MATTHEW D. POWERS (Bar No. 104795)
E-Mail: matthew.powers@weil.com
EDWARD R. REINES (Bar No. 135960)
E-Mail: edward.reines@weil.com
JEFFREY G. HOMRIG (Bar No. 215890)
E-Mail: jeffrey.homrig@weil.com
JILL J. HO (Bar No. 236349)
E-Mail: jill.ho@weil.com
WEIL, GOTSHAL & MANGES LLP
Silicon Valley Office
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100

Attorneys for Plaintiff-Counterclaim Defendant
NETAPP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,
Plaintiff-Counterclaim Defendant,
v.
SUN MICROSYSTEMS, INC.,
Defendant-Counterclaim Plaintiff.

Case No. C-07-06053 EDL

**DECLARATION OF AARON
NATHAN IN SUPPORT OF NETAPP,
INC.'S REPLY TO SUN
MICROSYSTEMS, INC.'S
RESPONSIVE CLAIM
CONSTRUCTION BRIEF**

1 I, Aaron Nathan, hereby declare:

2 1. I am a member of the Bar of this Court and an associate at the law firm of
3 Weil, Gotshal & Manges LLP, counsel of record for the Plaintiff NetApp, Inc. ("NetApp"), in this
4 case. If called upon as a witness, I could competently testify to the truth of each statement herein.

5 2. Attached as Exhibit A to this Declaration is a true and correct copy of
6 Supplemental Joint Claim Construction and Prehearing Statement, Revised Exh. Q, filed on
7 May 30, 2008.

8 I declare under penalty of perjury under the laws of the United States of America
9 and the State of California that the foregoing is true and correct.

10
11 Executed on August 1, 2008 at Redwood Shores, California.

12
13 WEIL, GOTSHAL & MANGES LLP

14
15 By: /s/ Aaron M. Nathan
16 Aaron M. Nathan
17 Attorneys for Plaintiff-Counterclaim Defendant
18 NETAPP, INC.
19
20
21
22
23
24
25
26
27
28